

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v Jason Roque**

Docket No. **286212**

L.C. No. **08-003360-FC**

Brian K. Zahra, Judge, acting under MCR 7.211(E)(2), orders:

The motion to extend the time for filing a motion in the trial court under MCR 7.208(B)(1) is DENIED. The 56-day period allowed under MCR 7.208(B)(1) is a jurisdictional time limit. The trial court lacks jurisdiction to decide the motion for a new trial or resentencing that was filed on December 5, 2008, because the motion was not filed within the 56-day period allowed under MCR 7.208(B)(1). After the expiration of this 56-day period, a defendant-appellant must seek remand by motion filed under MCR 7.211(C)(1).

The Clerk of the Court shall place this case on the involuntary dismissal docket without further notice to the parties if appellant's counsel fails to file a motion to remand or appellant's brief within 14 days after the Clerk's certification of this order.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB - 5 2009

Date

Sandra Schultz Mengel
Chief Clerk